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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,875	12/14/2000	Sami Inkinen	460-010010-US(PAR)	7593

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,875

Applicant(s)

INKINEN ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogen-Esch et al. (EP0869464A1, hereinafter) in view of Kuwabara et al. (JP09-098395, hereinafter Kuwabara).

Regarding claim 1, Hogen-Esch discloses a video conference system comprising at least a mobile station, a camera (4, fig. 1) capable of viewing a user during video conferencing, an acoustic-electric transducer (11, fig. 1), an electro-acoustic transducer (19, fig. 2), wherein the acoustic-electric transducer, the electro-acoustic transducer and the camera are arranged to be coupled to the mobile station (3, fig. 1) and the camera and the electro-acoustic transducer are located in the same element (col. 1, line 21-line 35, col. 2, line 43-col. 4, line 57).

Regarding claim 7, Hogen-Esch further discloses a method for forming a video conference system wherein the video conference system comprises at least a mobile station (3, fig. 1), a camera (4, fig. 1) capable of viewing a user during video conferencing, an acoustic-electric transducer (11, fig. 1), and an electro-acoustic transducer (19, fig. 2), and the acoustic-electric transducer, the electro-acoustic transducer and the camera are coupled to the mobile station (3, fig. 1) and the camera

Art Unit: 2643

and acoustic-electric transducer are located in the same element (col. 1, line 21-line 35, col. 2, line 43-col. 4, line 57).

Hogen-Esch differs from claims 1 and 7 in that he does not explicitly teach the following: an electro-acoustic transducer , and the acoustic-electric transducer, the electro-acoustic transducer and the camera are coupled to the mobile station via at least one cable.

However, Kuwabara discloses a communication helmet which teaches the following: an electro-acoustic transducer (3, Drawing 1), and the acoustic-electric transduce (2, Drawing 1), and the camera (4, Drawing 1) are coupled to the mobile station (Drawing 1) via at least one cable.(8a/8b, Drawing 1, paragraph: 0005 and abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hogen-Esch's system to provide for the following: an electro-acoustic transducer, and the acoustic-electric transducer, the electro-acoustic transducer and the camera are coupled to the mobile station via at least one cable as this arrangement gives one of the methods, among many possible methods, of connecting the devices as taught by Kuwabara.

3 Claims 2-5, 8-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogen-Esch in view of Kuwabara as applied to claims 1 and 7 above, and further in view of Umezawa et al. (JP06-141308, hereinafter Umezawa).

Regarding claims 2-5, 8-11, the combination does not teach the following: video camera is an image information unit which receives the necessary power supply from the mobile station, and the processing and storage of the video image is arranged to be performed in mobile station, portable HF set is composed of acoustic electric transducer, electro-acoustic transducer and the camera wherein acoustic-electric transducer is a microphone, the electro-acoustic transducer is an earpiece, and that the camera and microphone constitute a transmission unit, transmission unit comprises a fixing means by means of which transmission unit is arranged to be fixed.

However, Umezawa teaches the following: video camera (11, Drawing 14) is an image information unit which receives the necessary power supply from the mobile station (58, Drawing 14), and the processing and storage of the video image is arranged to be performed in mobile station (paragraph: 53), portable HF set is composed of acoustic electric transducer (12, Drawing 14), electro-acoustic transducer (62, Drawing 14) and the camera (11, Drawing 14) wherein acoustic-electric transducer (12, Drawing 14) is a microphone, the electro-acoustic transducer (62, Drawing 14) is an earpiece, and that the camera and microphone constitute a transmission unit, transmission unit comprises a fixing means (51, Drawing 14) by means of which transmission unit is arranged to be fixed.(paragraphs: 0046-0051, 0056).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: video camera is an image information unit which receives the necessary power supply from the mobile station, and the processing and storage of the video image is arranged to be

Art Unit: 2643

performed in mobile station, portable HF set is composed of acoustic electric transducer, electro-acoustic transducer and the camera wherein acoustic-electric transducer is a microphone, the electro-acoustic transducer is an earpiece, and that the camera and microphone constitute a transmission unit, transmission unit comprises a fixing means by means of which transmission unit is arranged to be fixed as this arrangement would provide a compact implementation of video conference system as taught by Umezawa, thus providing greater mobility to the user for communications.

4 Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogen-Esch in view of Kuwabara as applied to claims 1 and 7 above, and further in view of Kunitomo (JP404178055A).

Regarding claims 6 and 12, the combination does not teach the following: mobile station comprises an integrated microphone and an integrated earpiece, wherein the integrated microphone and earpiece of the mobile station are switched off at least when the camera, the acoustic-electric transducer and the electric- acoustic transducer are coupled to the mobile station.

However, Kunitomo discloses a mobile telephone hand-free system which teaches the following: mobile station comprises an integrated microphone and an integrated earpiece, wherein the integrated microphone and earpiece of the mobile station are switched off at least when the camera, the acoustic-electric transducer and the electric- acoustic transducer are coupled to the mobile station (fig. 1, see abstract).

Art Unit: 2643

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination system to provide for the following: mobile station comprises an integrated microphone and an integrated earpiece, wherein the integrated microphone and earpiece of the mobile station are switched off at least when the camera, the acoustic-electric transducer and the electric- acoustic transducer are coupled to the mobile station as this arrangement would lead to use of either set of microphone and speaker located in the mobile phone itself or located externally from

Response to Arguments

5. Applicant's arguments filed on 3-22-2005 have been fully considered but they are not persuasive.

After commenting on the references used in rejection of applicants claims 1-12 such as Hogen-Esch (EP0869946), Kuwabara et al. (JP09-098395, hereinafter Kuwabara), Umezawa et al. (JP06-141308), hereinafter Umezawa) and Kunitomo (JP404178055A), Applicant argues that "here none of the references are for video conferencing and none for the problems of compactness, light weight and small size". Regarding this, Hogen-Esch discloses a system comprising at least a mobile station, a camera (4, fig. 1) capable of viewing a user during video conferencing, an acoustic-electric transducer (11, fig. 1), an electro-acoustic transducer (19, fig. 2), wherein the acoustic-electric transducer, the electro-acoustic transducer and the camera are arranged to be coupled to the mobile station (3, fig. 1) and the camera and the electro-acoustic transducer are located in the same element (col. 1, line 21-line 35, col. 2, line 43-col. 4, line 57) and further Hogen-Esch teaches operator at the emergency center can directly speak with the person who operates security device (col. 3 lines 49-54), thus showing that user and operator at the emergency operation center can

Art Unit: 2643

can communicate with each other after user's camera images are transmitted to the emergency operating center. This reads on applicant's video conferencing aspect of the claims. As per applicant's reference to compactness, light weight and small size, Hogen-Esch's system teaches portable security device composed of portable telephone, portable video camera and a portable interface by means of which portable telephone and portable video camera are interconnected (see abstract). This attests to compactness, light weight and small size attributes that applicant refers to.

Regarding rejection of claims using the above references, Applicant further argues "The references are so different from each other they cannot be combined. In Particular, Hogen-Esch concerns ... Kmitorouo cannot be combined with other since it is apparently a backpack system". Notwithstanding applicant's arguments regarding the references, Each reference teaches claim limitations to which it is used as set forth in office actions and reasons for combining is also clearly set forth in the office action above. And further examiner is not sure what applicant means by backpack system.

Regarding rejection of claims using the above references, Applicant further argues "Here there is absolutely no suggestion in any reference to combine them, nor would such as suggestion be apparent to one of ordinary skill in the art". In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Art Unit: 2643

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, for example regarding claim 1, Hogen-Esch discloses a system comprising at least a mobile station, a camera (4, fig. 1) capable of viewing a user during video conferencing, an acoustic-electric transducer (11, fig. 1), an electro-acoustic transducer (19, fig. 2), wherein the acoustic-electric transducer, the electro-acoustic transducer and the camera are arranged to be coupled to the mobile station (3, fig. 1) and the camera and the electro-acoustic transducer are located in the same element (col. 1, line 21-line 35, col. 2, line 43-col. 4, line 57) and Hogen-Esch differs from claim 1 in that he does not explicitly teach the following: an electro-acoustic transducer, and the acoustic-electric transducer, the electro-acoustic transducer and the camera are coupled to the mobile station via at least one cable.

However, Kuwabara discloses a communication helmet which teaches the following: an electro-acoustic transducer (3, Drawing 1), and the acoustic-electric transducer (2, Drawing 1), and the camera (4, Drawing 1) are coupled to the mobile station (Drawing 1) via at least one cable (8a/8b, Drawing 1, paragraph: 0005 and abstract).

Therefore one of ordinary skill in the art at the time invention was made would be motivated to combine Kuwabara teaching with Hogen-Esch system as this arrangement would give one of the methods, among many possible methods, of connecting devices to wireless transceiver as taught by Kuwabara.

Applicant further argues that "Claims 1 and 7 recited that the transducers and camera are coupled to the mobile station by at least one cable. Since this is not in any

Art Unit: 2643

of the references, even when taken in combination, the rejection under 35 U.S.C 103 should be withdrawn". Contrary to applicant's interpretation of Hogen-Esch and Kuwabara references, they teach applicant's independent claims limitations such as transducers and camera are coupled to the mobile station by at least one cable as set forth in the office action above and rejection of other claims are also set forth in the office action above using various references.

In light of the above explanation, rejection of claims 1-12 is maintained as set forth in the office action above.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

Art Unit: 2643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643